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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1278 OF 2005
IN
SUIT NO.2076 OF 2000

Alkesh Hemrajani).. Plaintiff

Versus

M/s.A.J.Corporation and others).. Defendants

Mr.P.Sexeria with Mr.H.S. Khokhawala i/b.M/s.Nankani & Co. for the Plaintiff.

None for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 25TH JULY 2006

P.C.:

. The Plaintiff has filed the present Suit for specific performance of the agreement of sale dated 12th February 1994 executed between himself and Defendant No.1. According to the Plaintiff, after filing the Suit, an injunction restraining Defendant Nos.1 and 2 from creating third party rights in respect of the suit property was passed. It appears that thereafter the Plaint was amended on 26th April 2005 and Defendant Nos.3 and 4 were added as party Defendants. It appears that Defendant No.4 has been allotted the suit flat which was earmarked for the Plaintiff. It is in these circumstances, that the present Motion has been filed.

2. Nobody appears for the Defendants though served.

3. In my view, it would be appropriate to direct Defendant Nos.3 and 4 not to create any third party rights or alienate or transfer the suit flat.